

REMARKS

Claims 1-18, 22-24, 29-41, 50, 51, and 53-62 are pending. Claims 19-21, 25-28, 42-49, and 52 have been cancelled. Claims 11-15, 29-41 have been withdrawn. Claims 1, 2, 4-8, 16-18, 22, 55, 56, 59, and 60 have been amended. No new subject matter has been added. Support for the amendments is found in the specification, claims and drawings as originally filed.

Applicant thanks Examiner Gregg for the courtesies extended during the telephone interview of December 15, 2010 (“the interview”). During the interview, differences between proposed amended claims and the references cited in the Office Action were discussed. No agreement was reached.

Claims 1-7 and 53-56 are Allowable

The Office has rejected claims 1-7 and 53-56, at paragraph 5 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,362,863 (“Shaw”) in view of U.S. Patent No. 7,213,005 (“Mourad”). Applicants respectfully traverse the rejections.

The cited portions of Shaw and Mourad fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Shaw and Mourad fail to disclose or suggest sending, to a content provider via a network, a second data record identifying a list of two or more media formats that are compatible with the at least one media device, where the second data record is retrieved from a memory (of a content broker system), and where the content provider is distinct from the content broker system and is distinct from the at least one media device, as in claim 1.

Shaw describes a universal application (UAP) server that enables web display of various applications for various clients. *See* Shaw, col. 2, ll. 26-63. Shaw further describes that the UAP server 250 includes a suite of server engines or processes that coordinate all functions, including data store engine 271 and data store 273. *See* Shaw, col. 8, ll. 37-38 & Fig. 2. Shaw describes that for each application, a data store 273 contains a list of application servers that are able to run the application. *See* Shaw, col. 8, l. 67—col. 9, l. 2. The Office Action, at p. 4, asserts that Shaw discloses multiple formats at col. 4, lines 44-67. In particular, the Office Action points to Shaw,

col. 4, lines 60-62, which states “The protocol engine takes output requests from the application program and converts them into a form that is suitable for use by the downloaded display engine,” as “fairly suggest[ing] multiple formats.” Regardless of whether Shaw implies that multiple formats may be used, the cited portions of Shaw fail to disclose or suggest sending a data record that identifies a list of media formats that are compatible with a particular media device to a content provider via a network. Hence, the cited portions of Shaw fail to disclose or suggest sending, to a content provider via a network, a second data record identifying a list of two or more media formats that are compatible with the at least one media device, where the second data record is retrieved from a memory (of a content broker system), and where the content provider is distinct from the content broker system and is distinct from the at least one media device, as in claim 1.

Mourad describes digital content distribution using web broadcasting services. *See* Mourad, Title. Mourad describes a content provider 101 and/or content hosting site 111 transmitting content to an end user device 109. *See* Mourad, Fig. 6. Mourad describes that content provider 101 may transmit a metadata secure container (SC) 620 to content hosting site 111. *See* Mourad, Fig. 6. Metadata SC 620 may include various information concerning the content to be transmitted to the end user device 109. *See* Mourad, col. 31-34. In Mourad, content “refers to information and data stored in a digital format including: pictures, movies, videos, music, programs, multimedia and games.” Mourad, col. 9, lines 60-63. However, regardless of whether Mourad implies that multiple formats may be used, the cited portions of Mourad fail to disclose or suggest sending a data record that identifies a list of media formats that are compatible with a particular media device to a content provider via a network. Further, although clearinghouse 105 may send communication 610 to content provider 101 (Fig. 6), communication 610 is a transaction report for auditing and tracking purposes, not a data record that identifies a list of media formats that are compatible with a particular media device. *See* Mourad, col. 27, ll. 46-49 & Fig. 6. Hence, the cited portions of Mourad fail to disclose or suggest sending, to a content provider via a network, a second data record identifying a list of two or more media formats that are compatible with the at least one media device, where the second data record is retrieved from a memory (of a content broker system), and where the content provider is distinct from the content broker system and is distinct from the at least one media device, as in claim 1.

Therefore, the cited portions of Shaw and Mourad, individually or in combination, fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable. Claims 2-7 and 53-56 are also allowable, at least by virtue of their dependence from claim 1.

Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of Shaw and Mourad. For example, the cited portions of Shaw and Mourad fail to disclose or suggest a media asset table that includes a third data record that identifies media content acquired via the content broker system for the user account from a plurality of content providers, the third data record for each media content item including: a unique identifier, a title, a category, a media type, a media characteristic, usage rights, a license key, a purchase date, a distributor purchase ID, a distributor unique content ID, and a distributor identifier, as in claim 2.

Claims 8 and 59-60 are Allowable

The Office has rejected claims 8 and 59-60, at paragraph 6 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 7,203,966 (“Abburi”). Applicants respectfully traverse the rejections.

The cited portions of Abburi do not disclose or suggest the specific combination of claim 8. For example, the cited portions of Abburi fail to disclose or suggest sending device profile information from the content broker system to the content provider system via the network, the device profile information specifying two or more media formats that are compatible with the subscriber media device, as in claim 8.

Abburi describes an architecture and method for implementing roaming digital rights management, where a license server distributes licenses to computing devices to play media content. *See* Abburi, Abstract. Abburi describes various media formats, such as .wav, asp, and .mp3, but the cited portions of Abburi do not disclose or suggest device profile information that specifies two or more media formats that are compatible with a subscriber device. Abburi describes a dictionary that specifies an encoding type of an output format and lists examples of types of output formats. *See* Abburi, col. 10, ll. 26-42. The dictionary of Abburi does not identify a list of formats that are compatible with a particular device. Rather, “the dictionary 28 includes such parameters as: the name of the input file 29a having the digital content 12; the type

of encoding that is to take place the encryption/decryption key (KD) to be employed, the accompanying instructions/rules/information ('header information') to be packaged with the digital content 12 in the package 12p, the type of muxing that is to occur; and the name of the output file 29b to which the package 12p based on the digital content 12 is to be written."

Abburi, col. 10, lines 4-14 (emphasis added). Thus, the dictionary may specify information about content, but it does not teach a device profile that specifies a list of two or more media formats that are compatible with a particular subscriber media device. Further, the cited portions of Abburi fail to disclose or suggest sending the device profile information from the content broker system to the content provider system via the network. Accordingly, the cited portions of Abburi fail to disclose or suggest sending device profile information from the content broker system to the content provider system via the network, the device profile information specifying two or more media formats that are compatible with the subscriber media device, as in claim 8.

Therefore, the cited portions of Abburi fail to disclose or suggest at least one element of claim 8. Hence, claim 8 is allowable. Claims 59-60 are also allowable, at least by virtue of their dependence from claim 8.

Claim 9 is Allowable

The Office has rejected claim 9, at paragraph 7 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Abburi in view of U.S. Patent No. 7,054,416 ("Meyerson"). Applicants respectfully traverse the rejection.

Claim 9 depends from claim 8. As explained above, the cited portions of Abburi fail to disclose or suggest at least one element of claim 8. The cited portions of Meyerson fail to disclose or suggest the elements of claim 8 not disclosed or suggested by the cited portions of Abburi. Meyerson describes a communication system where a session control server 230 determines protocols for sending multimedia content messages and control messages to each local communication device 20 over a network 22. Communications between the session control server 230 and each local communication device 20 utilize tagged messages, where each tag identifies the content of the message to the recipient local communication device 20. *See* Meyerson, col. 8, ll. 65—col. 9, ll. 5. The tagged messages do not include device profile information specifying two or more media formats that are compatible with the subscriber media

device. Therefore, the cited portions of Meyerson fail to disclose or suggest sending device profile information from the content broker system to the content provider system via the network, the device profile information specifying two or more media formats that are compatible with the subscriber media device, as in claim 8. Hence, the cited portions of Abburi and Meyerson, individually or in combination, fail to disclose or suggest at least one element of claim 8, from which claim 9 depends. Hence, claim 9 is allowable at least by virtue of depending from an allowable claim.

Claim 10 is Allowable

The Office has rejected claim 10, at paragraph 8 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Abburi in view of U.S. Patent No. 6,822,663 (“Wang”). Applicants respectfully traverse the rejection.

Claim 10 depends from claim 8. As explained above, the cited portions of Abburi fail to disclose or suggest at least one element of claim 8. The cited portions of Wang fail to disclose or suggest the elements of claim 8 not disclosed or suggested by the cited portions of Abburi. Wang describes an apparatus and method for transforming web pages for display on various web-enabled devices. *See* Wang, Abstract. A server receives requests for content, retrieves the requested content, and transforms the content into an appropriate format. *See* Wang, col. 5, ll. 30-47. The server does not receive device profile information specifying two or more media formats that are compatible with a subscriber device. Therefore, the cited portions of Wang fail to disclose or suggest sending device profile information from the content broker system to the content provider system via the network, the device profile information specifying two or more media formats that are compatible with the subscriber media device, as in claim 8. Hence, the cited portions of Abburi and Wang, individually or in combination, fail to disclose or suggest at least one element of claim 8, from which claim 10 depends. Hence, claim 10 is allowable, at least by virtue of depending from an allowable claim.

Claims 16-18, 22-24, and 62 are Allowable

The Office has rejected claims 16-18, 22-24, and 62, at paragraph 9 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Wang in view of Mourad and further in view of U.S. Pat. No. 6,832,259 (“Hymel”). Applicants respectfully traverse the rejections.

The cited portions of Wang, Mourad and Hymel do not disclose or suggest the specific combination of claim 16. For example, the cited portions of Wang, Mourad and Hymel do not disclose or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16.

Wang describes an apparatus and method for transforming web pages for display on various web-enabled devices. *See* Wang, Abstract. More particularly, Wang describes a proxy server device that may receive a request for content from a device and transform the material into an appropriate format for the device. *See* Wang, col. 5, ll. 30-47. The cited portions of Wang do not teach or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16.

Mourad describes digital content distribution using web broadcasting services. *See* Mourad, Title. Mourad describes using secure containers to distribute encrypted content and information among the system components. *See* Mourad, col. 10, ll. 29-58. Mourad describes a hosting site maintaining a database with a list of all secure container IDs that have been used to download content, in order to ensure each user device makes only one request for each piece of content purchased. *See* Mourad, col. 73, ll. 33-43. The cited portions of Mourad fail to disclose or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16.

Hymel describes a service provider network that includes a memory for storing subscriber information of a subscriber device, a data engine for receiving a generic data request from the subscriber device, formatting the request into a compatible format, transmitting the

request, and receiving data in response to the request, and an intelligent proxy server for receiving the data from the data engine, manipulating or filtering the data as a function of the subscriber information to thin the content of the data, and outputting the filtered data to the subscriber device. Hymel, Abstract. That is, Hymel describes a service provider that formats content requests and filters data. The cited portions of Hymel fail to disclose or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16.

Therefore, the cited portions of Wang, Mourad and Hymel, individually or in combination, fail to disclose or suggest at least one element of claim 16. Hence, claim 16 is allowable. Claims 17-18, 22-24, and 62 are also allowable, at least by virtue of their dependence from an allowable claim.

Claim 50 is Allowable

The Office has rejected claim 50, at paragraph 10 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Wang in view of Mourad and Hymel and further in view of U.S. Pat. No. 7,028,340 (“Kamada”) and U.S. Pat. No. 7,461,142 (“Wadekar”). Applicants respectfully traverse the rejections.

Claim 50 depends from claim 16. As explained above, the cited portions of Wang, Mourad and Hymel fail to disclose or suggest at least one element of claim 16. The cited portions of Kamada and Wadekar fail to disclose or suggest the element of claim 16 that are not disclosed or suggested by the cited portions of Wang, Mourad and Hymel. For example, the cited portions of Kamada and Wadekar fail to disclose or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16.

Kamada describes “[a]n apparatus that controls access to contents. The apparatus includes a magneto optic (MO) device, an MPEG2 decoder, and MO media as physical elements.

Information for identifying these physical elements (identifying information) is allocated to each of these physical elements. License information, indicating whether access to the contents is to be allowed or not, is recorded on a MO media.” Kamada, Abstract. The cited portions of Kamada fail to disclose or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16.

Wadekar describes method and apparatus for address management in a network device. The cited portions of Wadekar fail to disclose or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16.

Hence, the cited portions of Wang, Mourad, Hymel, Kamada and Wadekar, individually or in combination, fail to disclose or suggest at least one element of claim 16. Hence, claim 16 is allowable. Claim 50 is allowable at least by virtue of its dependence from claim 16.

Claim 51 is Allowable

The Office has rejected claim 51, at paragraph 11 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Wang in view of Mourad and Hymel and further in view of Abburri. Applicants respectfully traverse the rejections.

Claim 51 depends from claim 16. As explained above, the cited portions of Wang, Mourad and Hymel fail to disclose or suggest at least one element of claim 16. The cited portions of Aburri fail to disclose or suggest the elements of claim 16 that are not disclosed or suggested by the cited portions of Wang, Mourad and Hymel. For example, the cited portions of Aburri fail to disclose or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16.

Abburi describes an architecture and method for implementing roaming digital rights management, where a license server distributes licenses to computing devices to play media content. *See* Abburi, Abstract. Abburi describes various media formats, such as .wav, asp, and .mp3, but the cited portions of Abburi do not disclose or suggest a device profile that includes information identifying two or more media formats that are compatible with a subscriber device. Abburi describes a dictionary that specifies an encoding type of an output format and lists examples of types of output formats. *See* Abburi, col. 10, ll. 26-42. The dictionary of Abburi does not identify a list of formats that are compatible with a particular device. Rather, “the dictionary 28 includes such parameters as: the name of the input file 29a having the digital content 12; the type of encoding that is to take place the encryption/decryption key (KD) to be employed, the accompanying instructions/rules/information (‘header information’) to be packaged with the digital content 12 in the package 12p, the type of muxing that is to occur; and the name of the output file 29b to which the package 12p based on the digital content 12 is to be written.” Abburi, col. 10, lines 4-14 (emphasis added). Thus, the dictionary may specify information about content, but it does not teach a device profile that specifies a list of two or more media formats that are compatible with a particular subscriber media device. Further, the cited portions of Abburi fail to disclose or suggest sending the device profile from a content broker system to a remote content provider via the network. Accordingly, the cited portions of Abburi, individually or in combination with Wang, Mourad and Hymel, fail to disclose or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16.

Claim 57 is Allowable

The Office has rejected claim 57, at paragraph 12 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Shaw in view of Mourad, and further in view of Wang. Applicants respectfully traverse the rejection.

Claim 57 depends from claim 1. As explained above, the cited portions of Shaw and Mourad fail to disclose or suggest at least one element of claim 1. The cited portions of Wang do not disclose or suggest the elements of claim 1 not disclosed or suggested by the cited

portions of Shaw and Mourad. Wang describes a server device that transforms web pages for requesting devices. *See* Wang, Abstract. A server receives requests for content, retrieves the requested content, and transforms the content into an appropriate format. *See* Wang, col. 5, ll. 30-47. The cited portions of Wang, individually or in combination with Shaw and Mourad, fail to disclose or suggest sending, to a content provider via a network, a second data record identifying a list of two or more media formats that are compatible with the at least one media device, where the second data record is retrieved from a memory (of a content broker system), and where the content provider is distinct from the content broker system and is distinct from the at least one media device, as in claim 1, from which claim 57 depends. Hence, claim 57 is allowable, at least by virtue of its dependence from an allowable claim.

Claim 58 is Allowable

The Office has rejected claim 58, at paragraph 13 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Shaw in view of Mourad, and further in view of Abburi. Applicants respectfully traverse the rejection.

Claim 58 depends from claim 1. As explained above, the cited portions of Shaw and Mourad fail to disclose or suggest at least one element of claim 1. The cited portions of Abburi do not disclose or suggest the elements of claim 1 not disclosed or suggested by the cited portions of Shaw and Mourad. Abburi describes an architecture and method for implementing roaming digital rights management, where a license server distributes licenses to computing devices to play media content. *See* Abburi, Abstract. The cited portions of Abburi, individually or in combination with Shaw and Mourad, fail to disclose or suggest sending, to a content provider via a network, a second data record identifying a list of two or more media formats that are compatible with the at least one media device, where the second data record is retrieved from a memory (of a content broker system), and where the content provider is distinct from the content broker system and is distinct from the at least one media device, as in claim 1, from which claim 58 depends. Hence, claim 58 is allowable, at least by virtue of its dependence from an allowable claim.

Claim 61 is Allowable

The Office has rejected claim 61, at paragraph 14 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Wang in view of Mourad and Hymel, and further in view of Abburi. Applicants respectfully traverse the rejection.

Claim 61 depends from claim 16. As explained above, the cited portions of Wang, Mourad, Hymel fail to disclose or suggest at least one element of claim 16. The cited portions of Abburi do not disclose or suggest the elements of claim 16 not disclosed or suggested by the cited portions of Wang, Mourad and Hymel. Abburi describes an architecture and method for implementing roaming digital rights management, where a license server distributes licenses to computing devices to play media content. *See* Abburi, Abstract. The cited portions of Abburi fail to disclose or suggest a content broker that sends a device profile to a remote content provider via a network, where the device profile includes information identifying a plurality of media formats that are useable by a subscriber media device of the subscriber, as in claim 16, from which claim 61 depends. Therefore, the cited portions of Wang, Mourad, Hymel and Abburi, individually or in combination, fail to disclose or suggest at least one element of claim 16, from which claim 61 depends. Hence, claim 61 is allowable, at least by virtue of its dependence from an allowable claim.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

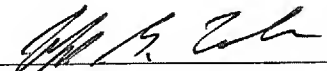
Any changes to the claims in this amendment that have not been specifically noted to overcome a rejection based upon the cited art should be considered to have been made for a purpose unrelated to patentability and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

12-20-2010
Date



Jeffrey G. Toler, Reg. No. 38,342
Toler Law Group, Intellectual Properties
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)